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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/749,420 | 12/28/2000 | Naohito Takae | 1086.1129 | 5681 |
| 21171 | 7590 | 10/06/2003 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | DAVIS, TEMICA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2681 | 3 |

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,420

Applicant(s)

Takae et al.

Examiner

Temica M. Davis

Art Unit

2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 28, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, and 11-13 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 8-10 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2681

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-3, 7 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Curtis et al (Curtis), U.S. Patent No. 6,208,720.

Regarding claim 1, Curtis discloses cellular phone managing method comprising: a user information generation step for generating and accumulating cellular phone user information; and a specific user dealing step for extracting a specific user conforming to predetermined conditions from said user information and for dealing with a cellular phone of said extracted specific user in accordance with said extraction conditions (col. 2, line 19-col. 3, line 18).

Art Unit: 2681

Regarding claim 2, Curtis discloses a method according to claim 1, wherein said user information generation step includes generating user information containing charge arrears status from cellular phone receipt arrears information; and wherein said specific user dealing step includes extracting a specific user from said user information on a delinquent period basis and issuing dunning and/or function restriction to a cellular phone of said specific user depending on the delinquent period (col. 11, lines 20-30).

Regarding claim 3, Curtis discloses a method according to claim 2, wherein said specific user dealing step includes sending a dunning mail to a cellular phone of said specific user in case of a short delinquent period, imposing a restriction on functions of said cellular phone of said specific user in addition to said dunning mail in case of a longer delinquent period, and causing said cellular phone of said specific user to generate an alarm in case of an even longer delinquent period (col. 11, lines 20-30 and col. 12, lines 5-18).

Regarding claim 7, Curtis discloses a method according to claim 2, wherein said specific user dealing step includes canceling said function restriction when payment of arrears is recognized during said cellular phone function restriction (col. 11, lines 20-30 and col. 12, lines 5-18).

Regarding claim 11, Curtis discloses a cellular phone managing apparatus comprising: a user information generation unit for generating and accumulating cellular phone user information; and a specific user dealing unit for extracting a specific user conforming to predetermined conditions from said user information and for dealing with a cellular phone of said

Art Unit: 2681

extracted specific user in accordance with said extraction conditions (col. 2, line 19-col. 3, line 18, col. 11, lines 20-30 and col. 12, lines 5-18).

Regarding claim 12, Curtis discloses a record medium having therein stored a program run by a computer functioning as a server, said program comprising: a user information generation step for generating and accumulating cellular phone user information; and a specific user dealing step for extracting a specific user conforming to predetermined conditions from said user information and for dealing with a cellular phone of said extracted specific user in accordance with said extraction conditions (col. 2, line 19-col. 3, line 18, col. 11, lines 20-30 and col. 12, lines 5-18).

Regarding claim 13, Curtis discloses a cellular phone apparatus comprising: a judging unit which judges whether an electronic mail received designates a restriction on a certain function of said cellular phone; and a restricting unit which, when said judging unit judges that said electronic mail designates a restriction of said certain function of said cellular phone, imposes a restriction on said designated certain function of said cellular phone (col. 2, line 19-col. 3, line 18, col. 11, lines 20-30 and col. 12, lines 5-18).

Allowable Subject Matter

3. Claims 4-6 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2681

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gavan et al, U.S. Patent No. 6,601,048, discloses a system and method for detecting and managing fraud.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 6:45 am to 3:15 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on (703) 305-4040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at (703) 306-0377.

Any response to this communication should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

Application/Control Number: 09/749,420

Page 6

Art Unit: 2681

Or faxed to:

(703) 872-9314 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Temica M. Davis

September 29, 2003

A handwritten signature in black ink, appearing to read "Temica M. Davis", with a stylized flourish at the end.

**TEMICA M. DAVIS
PATENT EXAMINER**